

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

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SAMUEL C. SNYDER

CIVIL ACTION NO. 04-1068-A

-vs-

JUDGE DRELL

JO ANNE B. BARNHART  
COMMISSIONER OF SOCIAL SECURITY

MAGISTRATE JUDGE KIRK

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J U D G M E N T

Before the Court is the Magistrate Judge's Report and Recommendation suggesting this case be remanded to the Commissioner of Social Security so that a valid medical evaluation may be conducted to determine whether Plaintiff has an impairment that meets or medically equals Section 2.03 of the impairments listed in Appendix 1, Subpart P, Regulations No. 4. After reviewing the entire file in this matter, including the written objections, and concurring with the Magistrate Judge's findings under the applicable law, this Court adopts the Magistrate Judge's Report and Recommendation subject only to the modifications outlined herein.

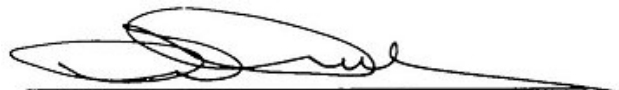
Both the Administrative Law Judge and the Magistrate Judge interpreted the October 10, 2001 report from the Lions Eye Center as showing no loss of visual field in the right eye. (Tr., p. 13; Document No. 17, p. 7.) However, a review of the report itself (Exhibit 2F) is not as definitive. On the first page of the report, the

box next to the word “Normal” is checked under the category of “Gross Visual Field, OD.” On the second page of the report, the examining physician assigns a diagnosis of suspected glaucoma and states the visual field results were “borderline.”

Combining these notations with the unreliable visual field results identified by Dr. Wheat and the progressive nature of glaucoma, updated testing, as outlined by the Magistrate Judge, is justified.

Accordingly, IT IS ORDERED that, pursuant to the fourth sentence of 42 U.S.C. § 405(g), this case is REMANDED to the Commissioner for further proceedings consistent with the Report and Recommendation issued herein.

SIGNED on this 7<sup>th</sup> day of September, 2005, at Alexandria, Louisiana.

A handwritten signature in black ink, appearing to read 'Dee D. Drell', written over a horizontal line.

Dee D. Drell  
United States District Judge